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Attorney for the Petitioner

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Dmitri Vallerweich TATARINOV,

Petitioner,

vs.

Superior Court of the State of California,

County of San Diego

Respondent.

Civil No. 07cv2033-N(NLS)

USICE No. A72 779 308

**PETITIONER'S MOTION TO AMEND
WRIT OF HABEAS CORPUS UNDER 28
U.S.C. §2241**

Petitioner, through counsel, hereby requests leave from this Court to add the following parties as Respondents in this case:

Office of the Chief Counsel Department of Homeland Security;

U.S. Attorney, Southern District; and

Immigration and Customs Enforcement Detention and Removal Center San Diego.

1. Petitioner is in custody under the authority of the Office of the Chief Counsel Department of Homeland Security in the Immigration and Customs Enforcement Detention and Removal Center located in San Diego.

2. Petitioner's detention is a collateral consequence from the state judgment at issue in this petition for writ of habeas corpus under §2241.

1 3. Petitioner files this motion in light of this Court's November 13, 2007 order denying
2 without prejudice Petitioner's motion for stay of removal as the court has "no jurisdiction over
3 the party who holds Petitioner in custody, and cannot subject them to an injunctive order."

4 4. The addition of these Respondents will grant the court jurisdiction over the party who
5 holds Petitioner in custody and therefore will be subject to an injunctive order.
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8 Respectfully submitted,
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11 Dated this November 14, 2007

12 s/Patricia Lynn Jacks
13 PATRICIA LYNN JACKS
14 Attorney for Petitioner
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United States District Court
For the Southern District of California

Dimitri Vallerveich TATARINOV

Petitioner

v.

CALIFORNIA DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL

Respondent

No. 07cv2033-L(NLS)

INS No. A72 779 308

DECLARATION OF SERVICE

Date Served: November 14, 2007

I, the undersigned declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; that I served the above-named person the following documents:

PETITIONER'S MOTION TO AMEND WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2241

in the following manner:

By placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mails at San Diego, California on November 14, 2007.

Office of the Chief Counsel
Department of Homeland Security
U.S. Immigration & Customs Enforcement
880 Front Street, Room 2246
San Diego, CA

Sam Bettwy, AUSA
U.S. Attorney, Southern District
880 Front Street, Room 6293
San Diego, CA 92101

Deportation Officer Eliana Hayes
ICE Detention & Removal Unit
446 Alta Rd. Room 5400
San Diego, CA 92158

Executed on November 14, 2007, at San Diego, California.

s/ Patricia Lynn Jacks
PATRICIA LYNN JACKS
Attorney at Law